



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 9 **E+W**

COASTAL ACCESS

The coastal access duty

296 **The coastal access duty** **E+W**

- (1) Natural England and the Secretary of State must exercise the relevant functions in order to secure the following objectives.
- (2) The first objective is that there is a route for the whole of the English coast which—
 - (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except to the extent that it is completed by ferry) passes over land which is accessible to the public.
- (3) The second objective is that, in association with that route (“the English coastal route”), a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with that route or otherwise, except to the extent that the margin of land is relevant excepted land.
- (4) The duty imposed on Natural England and the Secretary of State by subsection (1)—
 - (a) is referred to in this Part as the coastal access duty, and
 - (b) is to be discharged by them in such stages and within such period as appear to them to be appropriate.
- (5) For the purposes of this section, land is accessible to the public if it is—
 - (a) land which is available to the public for the purposes of open-air recreation, by virtue of provision made under section 3A of the CROW Act and subject to any exclusions or restrictions imposed by or under Part 1 of that Act (access to the countryside),

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- (b) land in England which, for the purposes of section 1(1) of that Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act, or
 - (c) excepted land in England which is accessible to the public by virtue of any enactment or rule of law (other than a military lands byelaw).
- (6) Nothing in this section requires Natural England or the Secretary of State, in discharging the coastal access duty so far as it relates to the objective in subsection (3), to exercise functions so as to secure that any land becomes land within subsection (5) (b) or (c).
- (7) For the purposes of the coastal access duty, a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times, or during certain periods, only.
- (8) In this section—
- “the 1949 Act” means the National Parks and Access to the Countryside Act 1949 (c. 97);
 - “the CROW Act” means the Countryside and Rights of Way Act 2000 (c. 37);
 - “excepted land” has the same meaning as in Part 1 of the CROW Act;
 - “military lands byelaw” means a byelaw under section 14 of the Military Lands Act 1892 (c. 43) or section 2 of the Military Lands Act 1900 (c. 56);
 - “relevant excepted land” means excepted land other than land within subsection (5)(c);
 - “the relevant functions” means—
 - (a) in relation to Natural England—
 - (i) its functions under this Part, Part 4 of the 1949 Act (long-distance routes) and Part 1 of the CROW Act (access to the countryside), and
 - (ii) such of its other functions as it considers it appropriate to exercise for the purpose of securing the objectives in subsections (2) and (3), and
 - (b) in relation to the Secretary of State—
 - (i) the Secretary of State's functions under this Part, Part 4 of the 1949 Act and Part 1 of the CROW Act, and
 - (ii) such of the Secretary of State's other functions as the Secretary of State considers it appropriate to exercise for the purpose of securing the objectives in subsections (2) and (3).

297 General provision about the coastal access duty **E+W**

- (1) In discharging the coastal access duty, Natural England and the Secretary of State must comply with the requirements of this section.
- (2) They must have regard to—
- (a) the safety and convenience of those using the English coastal route,
 - (b) the desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (c) the desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.

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- (3) They must aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.
- (4) For this purpose a person has a relevant interest in land if the person—
 - (a) holds an estate in fee simple absolute in possession in the land,
 - (b) holds a term of years absolute in the land, or
 - (c) is in lawful occupation of the land.

298 The coastal access scheme **E+W**

- (1) Natural England must—
 - (a) prepare a scheme setting out the approach it will take when discharging the coastal access duty, and
 - (b) submit the scheme to the Secretary of State.
- (2) The Secretary of State may—
 - (a) approve the scheme, with or without modifications, or
 - (b) reject the scheme and give Natural England a notice requiring it to prepare and submit a new scheme under subsection (1).
- (3) The scheme must be submitted to the Secretary of State within the period of 12 months beginning with the day on which this section comes into force or, in a case within subsection (2)(b), within the period specified in the notice.
- (4) Natural England may, with the approval of the Secretary of State, revise a scheme approved under this section.
- (5) A scheme approved under this section (and any revised scheme) must set out the approach Natural England will take when deciding, for the purposes of section 55A(4) of the 1949 Act, whether it would be appropriate for an access authority to carry out any preliminary activity (within the meaning of section 55A(3) of that Act).
- (6) The Secretary of State must lay before Parliament a copy of the scheme approved under this section and, where that scheme is revised, a copy of the revised scheme.
- (7) Before preparing or revising a scheme under this section, Natural England must consult such persons as it considers appropriate.
- (8) Natural England must, as soon as reasonably practicable, publish in such manner as it considers appropriate—
 - (a) the scheme approved by the Secretary of State, and
 - (b) where that scheme is revised, the revised scheme.
- (9) In discharging the coastal access duty, Natural England must act in accordance with the scheme approved under this section (or, where that scheme has been revised, the revised scheme).
- (10) Until such time as there is an approved scheme under this section, Natural England may not prepare or submit a report under section 51 or 55 of the 1949 Act (report containing proposals for long-distance routes) pursuant to the coastal access duty.
- (11) Nothing in subsection (10) prevents Natural England from surveying any land in connection with the preparation of such a report.

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299 Review of the coastal access scheme **E+W**

- (1) Where a scheme has been approved under section 298, Natural England may, from time to time, review the scheme (as revised from time to time under that section).
- (2) At least one review must be completed within the period of 3 years beginning with the day on which a scheme is first approved under section 298(2).
- (3) Natural England must publish a report of each review under this section as soon as reasonably practicable after the review is completed.

300 The English coast **E+W**

- (1) In this Part “the English coast” means the coast of England adjacent to the sea, including the coast of any island (in the sea) comprised in England (other than an excluded island).
- (2) An island is “excluded” if it is neither—
 - (a) an accessible island, nor
 - (b) an island specified by the Secretary of State by order for the purposes of this paragraph.
- (3) An island is “accessible” if it is possible to walk to the island from the mainland of England, or from another island within subsection (2)(a) or (b), across the foreshore or by means of a bridge, tunnel or causeway.
- (4) For the purposes of subsection (3), it is possible to walk to an island even if it is possible to do so at certain times, or during certain periods, only.
- (5) An island may be specified by an order under subsection (2)(b) only if the Secretary of State is satisfied that the coast of the island is of sufficient length to enable the establishment of one or more long-distance routes along its length capable of affording the public an extensive journey on foot.
- (6) For the purposes of the objective in section 296(2) (the English coastal route), the means of access to an accessible island is (to the extent that it would not otherwise be the case) to be regarded as part of the English coast.
- (7) This section is subject to section 307 (Isles of Scilly).

301 River estuaries **E+W**

- (1) This section applies in a case where the continuity of any part of the English coast is interrupted by a river.
- (2) Natural England may exercise its functions as if the references in the coastal access provisions to the sea included the relevant upstream waters of the river.
- (3) For this purpose “the relevant upstream waters”, in relation to a river, means—
 - (a) the waters from the seaward limit of the estuarial waters of the river upstream to the first public foot crossing, or
 - (b) if Natural England so decides, the waters from the seaward limit of the estuarial waters of the river upstream to such limit, downstream of the first public foot crossing, as may be specified by it.

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- (4) When exercising any power conferred by subsection (2) or (3), Natural England must have regard to the following matters (in addition to the matters mentioned in section 297(2))—
- (a) the nature of the land which would, for the purposes of this Part, become part of the coast of England if Natural England exercised the power in subsection (2) in respect of the relevant upstream waters for the limit under consideration;
 - (b) the topography of the shoreline adjacent to those waters;
 - (c) the width of the river upstream to that limit;
 - (d) the recreational benefit to the public of the coastal access duty being extended to apply in relation to the coast adjacent to those waters;
 - (e) the extent to which the land bordering those waters would, if it were coastal margin, be excepted land;
 - (f) whether it is desirable to continue the English coastal route to a particular physical feature (whether of the landscape or otherwise) or viewpoint;
 - (g) the existence of a ferry by which the public may cross the river.
- (5) Anything done pursuant to subsection (2) (including any decision under subsection (3) (b)) is to be regarded as done pursuant to, and for the purpose of discharging, the coastal access duty.
- (6) Subsections (1) to (5) apply in relation to the Secretary of State as they apply in relation to Natural England.
- (7) A decision by Natural England to exercise a power conferred by subsection (2) or (3) in relation to a river—
- (a) is without prejudice to any decision by the Secretary of State (by virtue of subsection (6)) as to whether or not to exercise such a power in relation to the river, and
 - (b) does not affect the requirements of subsection (4) (as they apply by virtue of subsection (6)) or of section 297(2) and (3), in relation to such a decision by the Secretary of State.
- (8) In this section—
- “coastal access provisions” means—
- (a) this Part (other than this section), and
 - (b) sections 55A to 55J of the 1949 Act;
- “excepted land” has the same meaning as in Part 1 of the CROW Act;
- “public foot crossing”, in relation to a river, means a bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public are able to cross the river on foot.

Implementation of the coastal access duty

302 Long-distance routes E+W

- (1) After section 55 of the 1949 Act insert—

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“55A Proposals relating to the English coastal route

- (1) Pursuant to the coastal access duty, Natural England may prepare and submit a report under section 51 containing proposals for a route (whether or not the requirements of section 51(1) are satisfied).
- (2) For the purposes of subsection (1) it is immaterial whether the route or any part of it is already a route in approved proposals relating to a long-distance route.
- (3) In subsections (4) and (5) “preliminary activity” means activity which Natural England considers would facilitate the preparation by it of a report under section 51 pursuant to the coastal access duty.
- (4) Where Natural England considers it necessary or expedient for preliminary activity to be carried out as respects any land, it must—
 - (a) consider whether it would be appropriate for the access authority in relation to that land to carry out any of the preliminary activity, and
 - (b) if it concludes that it would be so appropriate, take all reasonable steps to enter into an agreement with the access authority for that purpose.
- (5) An access authority may, as respects any land in its area, enter into an agreement with Natural England under which the access authority undertakes to carry out preliminary activity.
- (6) In this section “the coastal access duty” means the duty imposed on Natural England and the Secretary of State by section 296(1) of the Marine and Coastal Access Act 2009.

55B Route subject to erosion etc

- (1) This section applies in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (2) Where Natural England considers that the area through which the route passes is an area to which subsection (3) applies, the report may set out proposals for the route, or any part of it, to be determined at any time in accordance with provision made in the proposals (rather than as shown on a map).
- (3) This subsection applies to an area if it is or may be—
 - (a) subject to significant coastal erosion or encroachment by the sea, or
 - (b) subject to significant physical change due to other geomorphological processes.
- (4) The provision made by virtue of subsection (2) may, in particular, provide for the route to be determined by reference to the edge of a cliff or boundary of a field (as it exists from time to time).
- (5) Where the report contains proposals under subsection (2), the map included in the report in accordance with section 51(2) must show the route as determined, at the time the report is prepared, in accordance with those proposals.
- (6) Natural England must consult the Environment Agency before exercising its powers under subsection (2) in respect of an area which is or may be—

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- (a) subject to significant coastal erosion or encroachment by the sea, or
- (b) subject to significant physical change due to other geomorphological processes in relation to which the Agency has functions.

55C Alternative routes

- (1) This section applies in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (2) The report may include, in relation to the route (“the ordinary route”) or any part of it, a proposal under subsection (3) or (4).
- (3) A proposal under this subsection is a proposal for an alternative route which is to operate as a diversion from the ordinary route, or part, during one or both of the following—
 - (a) any specified period (or periods), and
 - (b) any period during which access to the ordinary route or part is excluded by reason of a direction under Chapter 2 of Part 1 of the CROW Act (exclusion or restriction of access).
- (4) A proposal under this subsection is a proposal for an alternative route which is to operate as an optional alternative to the ordinary route, or part, during any period for which the ordinary route, or part, might reasonably be regarded as unsuitable for use by reason of—
 - (a) flooding,
 - (b) the action of the tide,
 - (c) coastal erosion or encroachment by the sea, or
 - (d) the effect of any other geomorphological process.
- (5) In subsection (3)(a) “specified” means—
 - (a) specified in, or determined in accordance with, the proposal, or
 - (b) determined in accordance with the proposal by—
 - (i) a person specified in the proposal, or
 - (ii) a person determined in accordance with the proposal, details of whom are notified to Natural England in accordance with the proposal.
- (6) Sections 51(2) and 55B apply in relation to an alternative route as they apply in relation to the ordinary route.

55D Coastal margin

- (1) This section applies in relation to a report prepared under section 51 pursuant to the coastal access duty.
- (2) The proposals set out in the report may include—
 - (a) a proposal for any part of the landward boundary of the relevant coastal margin to coincide with a physical feature identified in the proposal,
 - (b) where those proposals include an alternative route, a proposal for any part of the landward or seaward boundary of the alternative route strip to coincide with a physical feature so identified, or

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- (c) a proposal for the landward or seaward boundary of any area excluded from any description of excepted land to coincide with a physical feature so identified.
- (3) The report must contain—
- (a) a map showing the landward boundary of the relevant coastal margin, or
 - (b) a description of that boundary which is sufficient to identify the relevant coastal margin.
- (4) Where a map is contained in a report pursuant to subsection (3)(a), Natural England must provide a person with a relevant interest in affected land, on request, with a copy of that map.
- (5) The report must set out such proposals (if any) as Natural England considers appropriate as to the directions to be made by it under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would arise under section 2(1) of that Act in relation to any land if the proposals in the report were to be approved.
- (6) Before preparing the report, Natural England must (in addition to complying with section 51(4))—
- (a) take reasonable steps to consult persons with a relevant interest in affected land,
 - (b) consult any body of a kind mentioned in section 51(4) in whose Park or area affected land is situated (but which is not required to be consulted under section 51(4)),
 - (c) consult each London borough council for an area in which affected land is situated,
 - (d) consult each local access forum for an area in which affected land is situated,
 - (e) consult the Secretary of State in relation to any interests of defence or national security which may be affected by the proposals which Natural England is minded to include in the report,
 - (f) consult the Historic Buildings and Monuments Commission for England in relation to any interests in the preservation of any monument, structure or other thing, mentioned in section 26(3)(b) of the CROW Act which may be affected by those proposals, and
 - (g) consult the Environment Agency in relation to any interests in flood defence, or in the management of the effects of coastal erosion or encroachment by the sea, which may be affected by those proposals.
- (7) A body within subsection (6)(b), (c) or (d) must provide Natural England with such information as it may reasonably require for the purposes of the report.
- (8) Where the Secretary of State is consulted under subsection (6)(e), the Secretary of State must—
- (a) provide Natural England with such information as it may reasonably require as to any exclusion or restriction of the right of access to affected land under section 2(1) of the CROW Act which the Secretary of State proposes to make provision for under section 28 of that Act (defence and national security), and

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- (b) notify Natural England if the Secretary of State is of the opinion that this information, or any part of it, ought not to be disclosed by it on the grounds of the public interest in defence and national security.
- (9) Subject to subsection (10), the report must contain such of the information provided under subsection (8)(a) as Natural England considers relevant for the purposes of the report.
- (10) The report may not contain information which Natural England has been notified under subsection (8)(b) ought not to be disclosed by it.

55E Consideration of reports made pursuant to the coastal access duty

Schedule 1A contains—

- (a) provision about the procedure to be followed when a report is submitted under section 51 pursuant to the coastal access duty;
- (b) provision which, in relation to such reports, supplements the provision made by section 52.

55F Directions under Part 1 of the CROW Act

- (1) This section applies where approved proposals relating to a long-distance route contain proposals as regards a direction to be made by Natural England under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would otherwise arise under section 2(1) of that Act.
- (2) Natural England must make the direction in accordance with those proposals.
- (3) Subsection (2) is without prejudice to any power Natural England may have to revoke or vary the direction after it is made.

55G Ferries for the purposes of the English coastal route

- (1) This section applies where—
 - (a) pursuant to the coastal access duty, approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, and
 - (b) an approach route to the ferry is not a highway.
- (2) The reference in section 53(1) to the highway authority for either or both of the highways to be connected by the ferry is to be read as including the highway authority in whose area the approach route is situated.
- (3) In this section “approach route”, in relation to a ferry, means a part of the English coastal route to be connected to another part of that route by the ferry.

55H Variation pursuant to the coastal access duty

- (1) In the case of a report made by Natural England under section 55(1) pursuant to the coastal access duty—
 - (a) the procedural requirements apply with the necessary modifications, and
 - (b) section 55(3) does not apply.

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- (2) The Secretary of State may by regulations provide—
- (a) that, in relation to a direction under section 55(2) pursuant to the coastal access duty, the procedural requirements apply with the modifications specified in the regulations, and
 - (b) that section 55(3) does not apply in relation to such a direction.
- (3) The Secretary of State may not make a direction under section 55(2) pursuant to the coastal access duty at a time when there are no regulations under subsection (2) in force.
- (4) For the purposes of this section—
- “modify” includes amend, add to or repeal, and “modification” is to be construed accordingly;
- “the procedural requirements” means sections 51(4) and (5), 52(1) and (2), 55D(6) to (10) and 55E, Schedule 1A and regulations under that Schedule.

55I Temporary diversions

- (1) This section applies where Natural England or the Secretary of State gives a direction by virtue of Chapter 2 of Part 1 of the CROW Act which excludes the right of access under section 2(1) of that Act, for any period (“the exclusion period”), in relation to any land over which (or any part of which) the English coastal route or any official alternative route passes.
- (2) This section does not apply if the direction by virtue of that Chapter is expressed to have effect indefinitely.
- (3) Natural England may give a direction under this section specifying a route (“the temporary route”) which is to apply for the duration of the exclusion period or such part of it as is specified in the direction.
- (4) The temporary route specified by Natural England may pass only—
 - (a) over land which is access land for the purposes of Part 1 of the CROW Act,
 - (b) over land which, for the purposes of section 1(1) of that Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act,
 - (c) along a highway, or
 - (d) over any other land the owner of which has agreed to the temporary route (so far as it passes over that land).
- (5) Natural England must consult the Environment Agency before giving a direction where the temporary route specified passes over land of a type described in subsection (4)(d).
- (6) A direction under this section—
 - (a) must be in writing, and
 - (b) may be revoked or varied by a subsequent direction under this section.

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55J Interpretation of sections 55A to 55J

(1) In sections 55A to 55I, Schedule 1A and this section—

“access authority” has the same meaning as in Part 1 of the CROW Act;

“affected land” means—

- (a) land over which the route, or any alternative route, to which the proposals relate passes, and
- (b) any other land which—
 - (i) is relevant coastal margin, or an alternative route strip in relation to such an alternative route, and
 - (ii) is not excepted land;

“alternative route” is to be construed in accordance with section 55C;

“alternative route strip”, in relation to an alternative route, means—

- (a) in a case where the proposal for the alternative route has not yet been approved under section 52, the land which would become coastal margin during the operation of that route if the proposals in the report were to be so approved (without modifications), and
- (b) in the case of an official alternative route, the land which would become coastal margin during the operation of that route;

“the coastal access duty” has the meaning given by section 55A;

“coastal margin” has the same meaning as in Part 1 of the CROW Act;

“the CROW Act” means the Countryside and Rights of Way Act 2000 (c. 37);

“the English coastal route” means the route secured pursuant to the coastal access duty;

“excepted land” has the same meaning as in Part 1 of the CROW Act;

“local access forum” means a local access forum established under section 94 of the CROW Act;

“official alternative route” means an alternative route which is contained in approved proposals relating to a long-distance route;

“owner”, in relation to land, means the person who holds an estate in fee simple absolute in possession in the land;

“relevant coastal margin”, in relation to proposals, means—

- (a) in a case where the proposals have not yet been approved under section 52, land which would become coastal margin if the proposals were to be approved (without modifications) under that section (disregarding the alternative route strip in relation to any alternative route), and
- (b) in a case where the proposals have been so approved (with or without modifications), land which becomes coastal margin as a result of the proposals having been so approved (disregarding the alternative route strip in relation to any official alternative route).

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- (2) For the purposes of sections 55A to 55I and Schedule 1A, a person has a relevant interest in land if the person—
- (a) is the owner of the land,
 - (b) holds a term of years absolute in the land, or
 - (c) is in lawful occupation of the land.
- (3) Any power conferred by sections 55A to 55I or Schedule 1A to make regulations includes—
- (a) power to make different provision for different cases, and
 - (b) power to make incidental, consequential, supplemental or transitional provision or savings.”

(2) After Schedule 1 to the 1949 Act insert the Schedule set out in Schedule 19 to this Act.

Commencement Information

- II** [S. 302](#) wholly in force at 12.1.2010; [s. 302](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [s. 302](#) in force in so far as not already in force at 12.1.2010 see [s. 324\(2\)\(d\)](#)

303 Access to the coastal margin **E+W**

- (1) Part 1 of the CROW Act (access to the countryside) is amended as follows.
- (2) In section 1—
- (a) in subsection (1) (definition of “access land”) omit “or” at the end of paragraph (d) and after that paragraph insert—
“(da) is coastal margin, or”,
 - (b) in subsection (2), after the definition of “the appropriate countryside body” insert—
““coastal margin” means land which is of a description specified by an order under section 3A;”,
 - (c) in that subsection, in the definition of “open country”, in paragraph (b) after “land” insert “ or coastal margin ”, and
 - (d) in subsection (3), after “2006” insert “ (but is not coastal margin) ”.
- (3) In section 2 (rights of public in relation to access land)—
- (a) in subsection (3), for “prohibition” to the end substitute “ relevant statutory prohibition ”, and
 - (b) after that subsection insert—
“(3A) In subsection (3) “relevant statutory prohibition” means—
 - (a) in the case of land which is coastal margin, a prohibition contained in or having effect under any enactment, and
 - (b) in any other case, a prohibition contained in or having effect under any enactment other than an enactment contained in a local or private Act.”
- (4) In section 3 (power to extend to coastal land)—
- (a) at the end of the heading insert “ : Wales ”,

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- (b) in subsection (1) for “Secretary” to “Wales)” substitute “ Welsh Ministers ”,
and
 - (c) in that subsection after “include” insert “ as respects Wales ”.
- (5) After that section insert—

“3A Power to extend to coastal land etc: England

- (1) The Secretary of State may by order specify the descriptions of land in England which are coastal margin for the purposes of this Part.
- (2) An order under subsection (1) may, in particular—
 - (a) describe land by reference to it being—
 - (i) land over which the line taken by the English coastal route passes,
 - (ii) land which is adjacent to and within a specified distance of that line, or
 - (iii) land which is adjacent to land within sub-paragraph (ii),if the land described under paragraphs (i) to (iii), taken as a whole, is coastal land;
 - (b) in relation to cases where a proposal of the kind mentioned in section 55B of the 1949 Act (power to determine the route in accordance with provision made in the report) is contained in relevant approved proposals, describe land by reference to the line taken by the English coastal route as it has effect from time to time in accordance with that proposal;
 - (c) in relation to cases where a proposal of the kind mentioned in section 55C of that Act (alternative routes) is contained in relevant approved proposals, describe land by reference to it being—
 - (i) land over which the line taken by an official alternative route which is for the time being in operation passes, or
 - (ii) land which is adjacent to and within a specified distance of that line,whether or not it is coastal land;
 - (d) in relation to cases where a proposal of the kind mentioned in section 55D(2)(a) or (b) of that Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of an area of coastal margin is to coincide with a physical feature as provided for in that proposal (and for this purpose it is immaterial if the effect is to include other land as coastal margin or to exclude part of an area of coastal land);
 - (e) in relation to cases where a direction under subsection (3) of section 55I of that Act (temporary diversions) specifies a route which (or any part of which) passes over land within subsection (4)(d) of that section, describe land by reference to it being—
 - (i) land over which the line taken by that route (so far as it passes over land within subsection (4)(d) of that section) passes, or
 - (ii) land which is adjacent to and within a specified distance of that line (so far as it so passes),whether or not it is coastal land.

Status: Point in time view as at 01/10/2011.

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- (3) For the purposes of subsection (2) it is immaterial whether the English coastal route is in existence at the time the order is made.
- (4) An order under subsection (1) may modify the provisions of this Part in their application to land which is coastal margin.
- (5) Provision made by virtue of subsection (4) may, in particular—
- (a) confer functions on the Secretary of State or Natural England;
 - (b) if providing for any description of land which is coastal margin to be excluded from any description of excepted land—
 - (i) describe that land as mentioned in subsection (2)(a)(i) to (iii), (b) or (c), or
 - (ii) in relation to cases where a proposal of the kind mentioned in section 55D(2)(c) of the 1949 Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of that land (or any part of it) is to coincide with a physical feature as provided for in that proposal.
- (6) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1)—
- (a) section 2(1) does not apply in relation to the land by reason of it being coastal margin until the end of the access preparation period in relation to the land,
 - (b) any direction given under Chapter 2 in relation to the land may be expressed to take effect immediately after the end of that period, and
 - (c) until the end of that period, the land is not to be regarded as coastal margin—
 - (i) for the purpose of determining whether it is open country or registered common land, or
 - (ii) for the purposes of section 1(6AA) of the Occupiers' Liability Act 1984 (duty of occupier of coastal margin to persons other than the occupier's visitors).
- (7) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1), any exclusion or restriction under Chapter 2 of access to the land by virtue of section 2(1) ceases to have effect at the end of the access preparation period.
- (8) Subsection (7) does not apply to any exclusion or restriction resulting from a direction under Chapter 2 which takes effect after the end of the access preparation period.
- (9) Subsections (6) and (7) do not apply to land if, at the time it becomes coastal margin by virtue of an order under subsection (1), it is already dedicated as coastal margin under section 16.
- (10) In this section—
- “the 1949 Act” means the National Parks and Access to the Countryside Act 1949;

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“access preparation period”, in relation to any land, means the period which—

- (a) begins when the land becomes coastal margin, and
- (b) ends with the day appointed by the Secretary of State by order under this subsection in relation to that land;

“approved proposals relating to a long-distance route” is to be construed in accordance with sections 52(3) and 55(4) of the 1949 Act;

“coastal land” has the same meaning as in section 3;

“the English coastal route” means the route secured (or to be secured) pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);

“modify” includes amend, add to or repeal;

“official alternative route” has the meaning given by section 55J of the 1949 Act;

“relevant approved proposals” means approved proposals relating to a long-distance route which is or forms part of the English coastal route;

“specified” means specified in an order under subsection (1);

and references to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) are to be interpreted in accordance with section 21(2) and (3).”

(6) In section 16 (dedication of land as access land)—

(a) after subsection (2) insert—

“(2A) Where a person makes a dedication under this section in respect of land within subsection (2B), that dedication may also dedicate the land as coastal margin.

(2B) The land within this subsection is—

- (a) land which is coastal margin, and
- (b) any other land in England which is adjacent to land which is coastal margin.

(2C) Where land is dedicated as coastal margin—

- (a) in the case of land within subsection (2B)(b), it is to be treated as coastal margin for the purposes of any provision made by or by virtue of this Part (other than section 1), and
- (b) if—
 - (i) disregarding this paragraph, it would be excepted land, and
 - (ii) it is not land which is accessible to the public by virtue of any enactment or rule of law (other than this Act),

it is to be treated for the purposes of any provision made by or by virtue of this Part as if it were not excepted land.”,

(b) in subsection (6), omit “and” at the end of paragraph (c) and after that paragraph insert—

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- “(ca) in the case of land within subsection (2B), enable a dedication previously made under this section in respect of the land (otherwise than by virtue of subsection (2A)) to be amended, by the persons by whom a dedication could be made, so as to provide that the land is dedicated as coastal margin for the purposes of subsection (2C),
- (cb) provide for any exclusion or restriction under Chapter 2 of access by virtue of section 2(1) which has effect in relation to land which is within subsection (2B)(b) immediately before it is dedicated as coastal margin to cease to have effect at the time the dedication takes effect, and”, and
- (c) after subsection (6) insert—
 - “(6A) In subsection (6)(cb) the reference to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).”
- (7) In section 20 (codes of conduct and other information)—
 - (a) in subsection (1), omit “and” at the end of paragraph (a) and after paragraph (b) insert “, and
 - (c) that, in relation to access land which is coastal margin, the public are informed that the right conferred by section 2(1) does not affect any other right of access that may exist in relation to that land.”, and
 - (b) after that subsection insert—
 - “(1A) The duty imposed by subsection (1) to issue and revise a code of conduct may be discharged, in relation to access land which is coastal margin, by (or in part by) issuing and revising a separate code relating to such access land only.”
- (8) In section 44 (orders and regulations under Part 1), in subsection (3) after “section 3” insert “ or 3A(1) ”.
- (9) In section 45 (interpretation of Part 1), after the definition of “the appropriate countryside body” insert—
 - ““coastal margin” has the meaning given by section 1(2);”.

Commencement Information

12 S. 303 wholly in force at 12.1.2010; s. 303 in force for specified purposes at Royal Assent see s. 324(1)(c); s. 303 in force in so far as not already in force at 12.1.2010 see s. 324(2)(d)

304 Establishment and maintenance of the English coastal route etc **E+W**

Schedule 20 (establishment and maintenance of the English coastal route etc) has effect.

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Liabilities

305 Restricting liabilities of Natural England and the Secretary of State **E+W**

- (1) No duty of care is owed by Natural England to any person under the law of negligence—
 - (a) when preparing or submitting proposals under section 51 or 55 of the 1949 Act (long-distance routes and variations of such routes) pursuant to the coastal access duty,
 - (b) in connection with any failure by it to erect, under paragraph 6 of Schedule 20, a notice or sign of the kind mentioned in sub-paragraph (2)(b) of that paragraph (notices or signs warning of obstacles or hazards), or
 - (c) in connection with any failure by it to exclude or restrict access under Chapter 2 of Part 1 of the CROW Act to any land which is coastal margin, other than a failure within subsection (2).
- (2) A failure is within this subsection if it arises as a result of Natural England—
 - (a) deciding not to act in accordance with an application under section 24 or 25 of that Act, or
 - (b) deciding not to act in accordance with representations made by a person on being consulted under section 27(5) of that Act (consultation of original applicant etc before revoking or varying a direction).
- (3) In subsections (1) and (2) the references to Natural England include any person acting on its behalf.
- (4) No duty of care is owed by the Secretary of State to any person under the law of negligence when—
 - (a) approving proposals (with or without modifications) under section 52 or 55 of the 1949 Act pursuant to the coastal access duty, or
 - (b) giving a direction under section 55 of that Act, pursuant to that duty.

306 Occupiers' liability **E+W**

In section 1 of the Occupiers' Liability Act 1984 (c. 3) (duty of occupier to persons other than the occupier's visitors), after subsection (6A) insert—

“(6AA) Where the land is coastal margin for the purposes of Part 1 of that Act (including any land treated as coastal margin by virtue of section 16 of that Act), subsection (6A) has effect as if for paragraphs (a) and (b) of that subsection there were substituted “ a risk resulting from the existence of any physical feature (whether of the landscape or otherwise). ””

General

307 Isles of Scilly **E+W**

- (1) Subject to the provisions of an order under subsection (2), sections 296 to 301, 304, 305, 308 and 309 and Schedule 20 do not apply in relation to the Isles of Scilly.

Status: Point in time view as at 01/10/2011.

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- (2) The Secretary of State may by order provide for the application of any of those provisions in relation to the Isles of Scilly, subject to such modifications as may be specified in the order.
- (3) Before making an order under subsection (2), the Secretary of State must consult the Council of the Isles of Scilly.
- (4) The power exercisable under section 111 of the 1949 Act (application to Isles of Scilly as if a separate county) in relation to the provisions of Part 4 of that Act is exercisable in relation to that Part as amended by section 302.
- (5) The powers exercisable under section 100(1), (2) and (4) of the CROW Act (application to Isles of Scilly) in relation to provisions of Part 1 of that Act are exercisable in relation to that Part as amended by section 303.

Commencement Information

I3 [S. 307](#) wholly in force at 12.1.2010; [s. 307](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [s. 307](#) in force in so far as not already in force at 12.1.2010 see [s. 324\(2\)\(d\)](#)

308 The Crown **E+W**

- (1) This Part is binding on the Crown and applies in relation to any Crown land as it applies in relation to any other land.
- (2) For this purpose “Crown land” means land an interest in which—
 - (a) belongs to Her Majesty in right of the Crown or in right of Her private estates,
 - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
 - (c) belongs to the Duchy of Cornwall, or
 - (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (3) The appropriate authority may enter into—
 - (a) an agreement under section 35 of the CROW Act (means of access) entered into by Natural England or an access authority by virtue of paragraph 1 of Schedule 20, or
 - (b) an agreement under paragraph 2 of that Schedule (establishment and maintenance of the English coastal route),
 as respects an interest in Crown land held by or on behalf of the Crown.
- (4) An agreement described in subsection (3)(a) or (b) as respects any other interest in Crown land is of no effect unless approved by the appropriate authority.
- (5) The “appropriate authority” means—
 - (a) in the case of land which belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having management of the land in question;
 - (b) in the case of land which belongs to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual, or if no such appointment is made, the Secretary of State;
 - (c) in the case of land which belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

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- (d) in the case of land which belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
 - (e) in the case of land which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department.
- (6) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.
- (7) In this section references to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

309 Interpretation of this Part **E+W**

In this Part—

- “the 1949 Act” has the meaning given by section 296(8);
- “access authority”, in relation to any land, has the same meaning as in Part 1 of the CROW Act;
- “the coastal access duty” has the meaning given by section 296(4);
- “coastal margin” means land which is coastal margin for the purposes of Part 1 of the CROW Act (including any land treated as coastal margin by virtue of section 16 of that Act);
- “the CROW Act” has the meaning given by section 296(8);
- “the English coast” has the meaning given by section 300;
- “the English coastal route” has the meaning given by section 296(3);
- “estuarial waters” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive [2000/60/EC](#) of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy);
- “functions” includes powers and duties;
- “long-distance route” means a route provided for in approved proposals relating to a long-distance route within the meaning of section 52(3) of the 1949 Act (as read with section 55(4) of that Act);
- “the sea”, subject to section 301, does not include any part of a river which is upstream of the seaward limit of the river's estuarial waters.

Wales

310 Powers of National Assembly for Wales **E+W**

In Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly measures), in field 16 (sport and recreation), after matter 16.1 insert—

“Matter 16.2

The establishment and maintenance of a route (or a number of routes) for the coast to enable the public to make recreational journeys.

This matter does not include—

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- (a) enabling the public to make journeys by mechanically propelled vehicles (except permitted journeys by qualifying invalid carriages);
- (b) the creation of new highways (whether under the Highways Act 1980 or otherwise).

Matter 16.3

Securing public access to relevant land for the purposes of open-air recreation.

Land is relevant land if it—

- (a) is at the coast,
- (b) can be used for the purposes of open-air recreation in association with land within paragraph (a), or
- (c) can be used for the purposes of open-air recreation in association with a route within matter 16.2.

In this matter the reference to land at the coast is not limited to coastal land within the meaning of section 3 of the Countryside and Rights of Way Act 2000.

Interpretation of this field

In this field—

“coast” means the coast of Wales adjacent to the sea, including the coast of any island (in the sea) comprised in Wales;

“estuarial waters” means any waters within the limits of transitional waters within the meaning of the Water Framework Directive (that is to say, Directive [2000/60/EC](#) of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy);

“highway” has the same meaning as in the Highways Act 1980;

“public foot crossing”, in relation to a river, means a bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public are able to cross the river on foot;

“qualifying invalid carriage” means an invalid carriage within the meaning of section 20 of the Chronically Sick and Disabled Persons Act 1970 (use of invalid carriages on highways) which complies with the prescribed requirements within the meaning of that section;

“relevant upstream waters”, in relation to a river, means the waters from the seaward limit of the estuarial waters of the river upstream to the first public foot crossing;

“sea” includes the relevant upstream waters of a river;

and a journey by a qualifying invalid carriage is a permitted journey if the carriage is being used in accordance with the prescribed conditions within the meaning of section 20 of the Chronically Sick and Disabled Persons Act 1970.”

Status:

Point in time view as at 01/10/2011.

Changes to legislation:

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